



**CAA/112B Compliance Report for Facility: Dorchester Apartments**  
**Policy: Audit Policy**

I. General Information

- 1. Primary NAICS code of this facility**  
Apartment building rental or leasing

**2. Date of last environmental compliance inspection by local, state or federal Agency:**  
  
Year: Never; Month: Never; Day: Never

**3. Last environmental compliance inspection was performed by:**  
N/A

**4. Regulatory area covered by inspection:**  
N/A

II. Specific Noncompliance Information

Describe the violation(s).

**1. Nature and description of potential violation(s):**

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Discloser owns and operates rental apartments that are not subject to environmental regulations in the same manner as an industrial or manufacturing facility. Plumbing components at the Dorchester Apartments developed significant problems necessitating the repair and replacement inside and outside of the apartment units. Internal upgrades included disturbance of drywall texture (surfacing) to access the piping. The existing building materials were not tested for asbestos prior to drywall removal. Notification was not provided to EPA and the related provisions of 40 CFR 61.145 were not implemented. These violations were discovered through a systematic, documented, objective evaluation of compliance with demolition and renovation requirements under 40 CFR Part 61, Subpart M. An asbestos survey was performed for the facility in 1998. Compliance evaluations will be conducted prior to any future renovation project.

2. Citation for the potential federal violation:

40 CFR 61.145

3. Regulatory citation for the state provisions where federally enforceable:

N/A

4. Permit provisions where applicable:

N/A

5. Physical location of the violation at the facility:

Apartment units, a laundry room, and a clubhouse at the Dorchester Apartments.

6. Date noncompliance began:

07/6/2022

7. Date of return to compliance:

05/4/2023

8. Identity of Chemical/Pollutant Information, for each chemical/ pollutant you are disclosing for, specify the a.) chemical/pollutant name or trade name, CAS (Chemical Abstract Society) number, and b.) how much of that chemical/pollutant was involved, in pounds.

Chemical Information

a.1) Provide the chemical name (or common name of the chemical) as provided on the MSDS:

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Chrysotile

a.2) CAS Number

12001-29-5

b) Amount involved

4.7 lbs.

**9. Provide the date and description of how the violation was corrected and how any harm was remediated. If correction of the violation depends upon issuance of a permit that has been applied for but not issued by Federal, State, Local or Tribal authorities an entity may submit its compliance report without an issued permit (provided the maximum extension requests have been exhausted). Please describe the steps taken by the entity to ensure it submitted a timely complete permit application.**

**Attach documents supporting your actions. For example, include written confirmation from authorities that submittals (e.g., Notice of Intent (NOI), reports, etc.) were received.**

On May 4, 2023 all work at the location was immediately stopped. In accordance with 40 CFR 61.145(a), Cambridge Dorchester Apartments, LLC thoroughly inspected to determine if regulated asbestos containing material were present. Twenty-four samples from the facility were collected by local Certified AHERA inspectors for processing at a NIST/NVLAP-Certified Laboratory in Colorado. Six of the twenty-four samples contained between 1.5% and 2.5% asbestos in drywall texture (surfacing), and therefore the material was identified as regulated asbestos containing material (RACM), determined using EPA Method 600/R-93/116. Cambridge Dorchester Apartments, LLC received the results on May 22, 2023. Cambridge Dorchester Apartments, LLC orally notified EPA Region 10 on May 25, 2023. A certified asbestos removal contractor, who conforms with the work practices established by 40 CFR 61.145(c), will complete all remaining removal and abatement work.

**10. Describe what steps were taken to prevent recurrence of the violation and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.**

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Before future renovation, demolition, repair work of any kind at the location, the owner, operator, and general contractor will evaluate the applicability of 40 CFR Part 61, Subpart M to the project and perform all necessary compliance obligations. An updated asbestos survey for the facility will be completed in 2023. Training for owner, property manager, general contractor on asbestos evaluation and removal obligations will be completed before September 30, 2023.

Document Name(s)

III. Audit Policy Conditions

Condition 1: Systematic Discovery of the Violation through an Environmental Audit or a Compliance Management System \*

The violation was discovered as part of an Environmental Audit. (Check each box that applies; all boxes must be checked to qualify as an audit.) \*

- ☐ The audit was systematic;
- ☐ The audit was documented;
- ☐ The audit was periodic and future audits are scheduled; and
- ☐ The audit was part of an objective review.

Or, the violation was discovered as a result of a Compliance Management System (CMS.) (Check each box that applies; all boxes must be checked to qualify as a CMS.) \*

- ☐ Compliance policies, standards and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements and other sources of authority for environmental requirements;
- ☐ Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;
- ☐ Mechanisms for systematically assuring that compliance policies, standards and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the CMS, and a means for employees or agents to report violations of environmental requirements without fear of retaliation;
- ☐ Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;
- ☐ Appropriate incentives to managers and employees to perform in accordance with the

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compliance policies, standards and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and

☐ Procedures for the prompt and appropriate correction of any violations, and any necessary modifications to the regulated entity's compliance management system to prevent future violations.

☒ Check this box if the violation was discovered in a manner other than through an Environmental Audit or a CMS, and describe the procedure used to discover the violation by using the comment boxes in Section II. Specific Noncompliance Information.

Condition 2: Voluntary Discovery \*

The violation was voluntarily discovered. (1st 3 boxes or box 4 must be checked to qualify.) \*

- ☒ The violation was not found through a legally required monitoring procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☒ The violation was not found through a legally required sampling procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☒ The violation was not found through a legally required auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement.
- ☐ The violation was discovered pursuant to audits that were conducted as part of a comprehensive environmental management system (EMS) required under a settlement agreement.
- ☐ This facility does not meet Condition 2.

Condition 3: Prompt Disclosure \*

- ☒ The violation was promptly disclosed within 21 days of discovery.
- ☐ This facility does not meet Condition 3.

Condition 4: Discovery and Disclosure Independent of Government or Third Party Plaintiff \*

The violation was discovered and disclosed independent of Government or Third Party Plaintiff. (1st 5 boxes must be checked to qualify.) \*

- ☒ The discovery and disclosure were made prior to the commencement of a Federal, State or local agency inspection or investigation, or issuance by such agency of an information request. There was no contact (e.g., letter, email, telephone inquiry, etc.) by any government or third party informing the facility of potential or actual violations, or any notification of an impending or commenced inspection prior to the disclosure.
- ☒ The disclosure was made prior to the notice of a citizen suit.
- ☒ The disclosure was made prior to the filing of a complaint by a third-party.
- ☒ The disclosure was made prior to the reporting of the violations to EPA by a "whistleblower" employee, rather than by one authorized to speak on behalf of the regulated entity.

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- ☒ The disclosure was made prior to the imminent discovery of the violations by a regulatory agency.
- ☐ This facility does not meet Condition 4.

### **Condition 5: Correction and Remediation (One of the first three boxes must be checked to qualify. NODs are only available if the first box is selected) \***

- ☒ The violation(s) were corrected within 60 days of discovery.
- ☐ The violation(s) were corrected within 90 days of discovery, and a request for extension was made before the expiration of the 60 days, and granted in eDisclosure.
- ☐ The violation(s) were corrected within 180 days of discovery, and a request for extension was made before the expiration of the 60 days, and justified in eDisclosure.
- ☐ The violation(s) has not been corrected but a timely and complete permit application has been filed with the relevant regulatory Agency, and permit issuance is pending.\*
- ☐ This facility does not meet Condition 5.

### **Condition 6: Prevent Recurrence \***

- ☒ Steps have been or will be taken to prevent a recurrence of the violation disclosed.
- ☐ This facility does not meet Condition 6.

### **Condition 7: No Repeat Violations \***

The violation disclosed was not a repeat violations (1st 2 boxes must be checked to qualify) \*

- ☒ The same or closely-related violation has not occurred previously at the same facility within the past 3 years.
- ☒ The same or closely-related violation has not occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same entity.
- ☐ This facility does not meet Condition 7.

### **Condition 8: Other Violations Excluded \***

The violation disclosed was not an excluded violation. (1st 2 boxes must be checked to qualify.) \*

- ☒ The violation disclosed did not result in serious actual harm, which may have presented an imminent and substantial endangerment to public health or the environment.
- ☒ The violation disclosed did not violate the specific terms of any order, consent agreement, or plea bargain.
- ☐ This facility does not meet Condition 8.

### **Condition 9: Cooperation \***

- ☒ The entity has and will continue to cooperate with EPA in determining applicability of this

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policy.  
☐ This facility does not meet Condition 9.

IV. Certification

**Name of individual submitting this self-disclosure:**  
Wade Foster

**Date:**  
05/30/2023

☒ **By checking this box, I, the person whose name is displayed above, am authorized to make this certification and certify under penalty of the law that this document was prepared under my direction and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy is conditioned on the truth, accuracy and completeness of this disclosure.**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

5/30/2023

Via Electronic Mail

Cambridge Dorchester Apartments, LLC  
5677 W Beach Front Lane  
Boise, ID 83703

In Re: Acknowledgment Letter for Dorchester

Dear Wade Foster:

Thank you for your self-disclosure pursuant to the Policy on Incentives for Self-Policing (Audit Policy), 65 Fed. Reg. 19618 (April 11, 2000). The U.S. Environmental Protection Agency (EPA) hereby issues this Acknowledgment Letter regarding violations that you disclosed to EPA for the following facility:

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Dorchester Apartments  
300 S Straughan Ave  
Boise, ID 83712, US

As an incentive for regulated entities to disclose violations that they discover, EPA may eliminate the gravity-based component of civil penalties, and waive any insignificant economic benefit component, where the voluntarily disclosed violations meet the conditions specified in the Audit Policy. EPA's streamlined implementation of this self-disclosure policy provides for self-disclosed violations to be submitted and processed through its "eDisclosure" online system.

Based on the information that you certified and attested to on 5/30/2023 on behalf of Cambridge Dorchester Apartments, LLC in EPA's online eDisclosure system, EPA hereby acknowledges receipt of your disclosure for the following violation(s):

- Clean Air Act (CAA): Asbestos (112B)
  - Citation for the potential federal violation:

40 CFR 61.145

- Permit provisions where applicable:

N/A

- Chemical: Chrysotile (12001-29-5)

This letter does not resolve the above violations. If EPA considers taking an enforcement response regarding this matter, it will determine at that time whether you are eligible for penalty mitigation. In the event that EPA determines that your eDisclosure does not meet the conditions of the Audit Policy, the Agency may assess penalties in accordance with applicable statutes, regulations, and EPA's enforcement response or penalty policies. In the event of an enforcement action, EPA will take into account all relevant facts and circumstances surrounding any violations, including the voluntary nature of your disclosure submitted through this system.

Again, thank you for your disclosure. We appreciate the efforts of the regulated community to discover, promptly disclose, expeditiously correct, and prevent the recurrence of future violations.

/s/  
Director, Office of Civil Enforcement